

JUL - 3 2014

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

David J. Bradley, Clerk

for the

Southern District of Texas

SEALED

United States of America
v.
JOSE GUADALUPE GARZA-OCHOA
YOB: 1991
Mexican Citizen

Case No. M-14-1284-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 28, 2011 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC 1201(a)(1)
18 USC Section 2

Offense Description

did willfully and unlawfully kidnap, abduct, seize, confine, inveigle, decoy and carry away a person, to-wit: Ovidio Guerrero and transported Ovidio Guerrero in interstate and foreign commerce, that is, from Mission, Texas to the United Mexican States and hold him for ransom, reward or otherwise

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Approved: [Signature]
Anibal C. Abrego
AUSA

[Signature]
Complainant's signature

James Matthew Moody, Special Agent-FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: July 3, 2014

City and state: McAllen, Texas

[Signature]
Judge's signature

Keter E Ormsby
Printed name and title
U.S. Magistrate Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent James Matthew Moody, being duly sworn, do hereby depose and state that:

1. I am currently employed as a Special Agent of the Federal Bureau of Investigation ("FBI") assigned to the McAllen Resident Agency, San Antonio Division. I have been employed by the FBI since January, 2011. I was previously employed as an Assistant State's Attorney for Macon County, Illinois for two years and a State of Illinois labor investigator for four years.

2. This affidavit is being filed based on the personal knowledge and observations of the affiant and other law enforcement personnel. This affidavit is intended to support probable cause, but it is not intended to convey all the facts of the investigation.

3. In the Spring of 2011, a large amount of cocaine was stolen from a stash house in the Mission/Alton, Texas area. An FBI investigation has revealed that the cocaine belonged to a regional commander of the Gulf Cartel, MIGUEL VILLARREAL, JR., also known as (aka) GRINGO MIKE. The investigation has also indicated that, as a result of this theft, GRINGO MIKE sent a kidnapping crew led by ALAN ALPIZAR-CORDOBA, aka FISCAL, to the United States in order to recover the large quantity of cocaine and/or kidnap those responsible for stealing the cocaine.

4. Five individuals arrested in this matter, ROEL GARZA, ORLANDO HERNANDEZ, JOSE LORENZO DAVILA, GERARDO VILLARREAL, and HECTOR GABRIEL BARRIOS-HERNANDEZ, have admitted their roles in this kidnapping and have also provided statements about what happened before the kidnapping as well as what happened once the kidnapping crew completed the kidnapping and reached Rio Grande City, Texas.

5. In the early weeks of May, 2011, the kidnapping crew, utilizing multiple subjects and vehicles began doing surveillance on kidnapping targets, including Felipe Guerra and Gerardo Olivarez, aka LIN. Two attempts were made to kidnap Guerra, but both attempts failed.

6. On or about May 28, 2011, the kidnapping crew traveled to the home of Olivarez in order to kidnap him. However, Olivarez's cousin, OVIDIO OLIVARES GUERRERO, happened to be visiting the home that day. The kidnapping crew, one of whom was dressed as a police officer, kidnapped OLIVARES GUERRERO (hereinafter referred to as "victim") by mistake. The investigation has revealed that the victim, who was lawful permanent resident of the United States, had no criminal record and nothing to do with the theft or sale of cocaine.

7. After being taken from Olivarez's home, the victim was taken back to a ranch in Mission, Texas, where he was questioned and beaten, causing him to bleed from the head. The kidnapping crew then transported the victim to Rio Grande City, Texas, where he was transferred into the trunk of a black Ford Focus. He was then taken to the Rio Grande River and crossed into Mexico.

8. R. GARZA has stated that when ALPIZAR was initially recruiting individuals for this kidnapping, his aunt's boyfriend "LUPE" volunteered to assist. R. GARZA has identified a photo of JOSE GUADALUPE GARZA-OCHOA as LUPE (hereinafter referred to as "LUPE") and a photo of Martha Elizondo as R. GARZA's aunt.

9. G. VILLARREAL identified a photo of a black Ford Focus as a vehicle that belonged to M. Elizondo. G. VILLARREAL advised that this vehicle was used for scouting and surveillance before the kidnapping. According to G. VILLARREAL, this car was known to be rented out for illegal activity.

10. H. BARRIOS also recognized a photo of the black Ford Focus as a vehicle

utilized by the kidnapping crew during the planning stages of the kidnapping.

11. J. DAVILA has identified a photo of LUPE, as R. GARZA's relative who was dating M. Elizondo. J. DAVILA stated that in the days leading up to the kidnapping, LUPE was a member of the kidnapping crew that attempted, but failed to kidnap Guerra.

12. O. HERNANDEZ advised that once the kidnapping crew arrived at his mother's home on Juarez Street, R. GARZA called his cousin or "primo" to bring the car. O. HERNANDEZ stated that the victim was then switched from the first car into the trunk of the black Ford Focus that belonged to M. Elizondo. The victim was then driven to the Rio Grande River to be crossed into Mexico. O. HERNANDEZ identified a photo of M. Elizondo's Ford Focus as the vehicle used by R. GARZA's cousin in the days before the kidnapping for scouting and surveillance and also the one used to transport the victim to the river.

13. R. GARZA has advised that once they reached Rio Grande City, the kidnapping crew with the victim in the trunk of a first car, stopped at the home of O. HERNANDEZ's mother on Juarez Street. According to R. GARZA, the victim was then transferred into the trunk of a black Ford Focus that belonged to M. Elizondo. R. GARZA identified a photo of his aunt's vehicle as the one the kidnapping crew used.

14. J. DAVILA stated that on the day of the kidnapping, once in Rio Grande City, the kidnapping crew went to the home of O. HERNANDEZ's mother's house on Juarez Street. There, J. DAVILA saw LUPE arrive in the black Ford Focus that belonged to R. GARZA's aunt. J. DAVILA identified a photo of the car that belonged to M. Elizondo as the one he saw LUPE arrive in on Juarez Street on the night of the kidnapping.

15. R. GARZA advised that M. Elizondo, knowing what the car would be used for, lent it to her boyfriend LUPE, in anticipation of being paid. R. GARZA identified a photo of

LUPE as his aunt's boyfriend that transported the victim in the trunk of the Focus to the Rio Grande River.

16. According to R. GARZA, at the house on Juarez Street, the victim was transferred into the trunk of the Focus. Then LUPE, with ALIPZAR, drove the Focus with the victim in the trunk to the Rio Grande River so ALPIZAR could cross the victim into Mexico. The victim has not been heard from or seen since.

17. R. GARZA believes that LUPE had also been en route in the Focus to Mission, Texas, to assist the kidnappers, but was stopped and turned back to Rio Grande City by a local police officer.

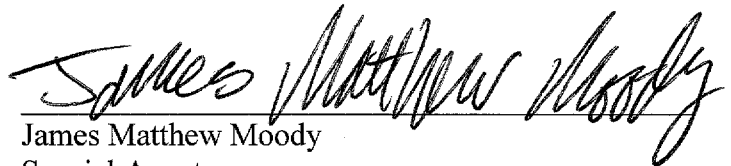
18. M. Elizondo advised that the Ford Focus was purchased by LUPE, but was driven by both she and LUPE. Elizondo stated that she and LUPE often rented out the vehicle for illegal activity such as alien smuggling. Elizondo believes that LUPE had been en route in the Focus to Mission, Texas, to assist the kidnappers, but was turned back by local police. Elizondo identified a photo of LUPE as her boyfriend at that time.

19. In October 2011, LUPE was arrested for the possession of a large amount of marijuana present in or around M. Elizondo's home. During the arrest, local law enforcement seized the black Ford Focus that was parked at Elizondo's home at the same time the marijuana was seized.

20. LUPE served a state prison sentence for the possession of marijuana and is now a deported felon. Information gathered by the FBI indicated that LUPE was residing in the Las Lomas area of Rio Grande City and is currently engaged in alien smuggling.

21. The FBI laboratory has tested the trunk of the black Ford Focus which has tested presumptively positive for the presence of blood.

22. On June 29, 2014, LUPE, having previously re-entered the United States illegally, was encountered and detained by the Texas Department of Public Safety and the United States Border Patrol in Palmview, Texas.

A handwritten signature in black ink, reading "James Matthew Moody".

James Matthew Moody
Special Agent
Federal Bureau of Investigation

Signed and sworn before me this the 3rd day of July, 2014.

United States Magistrate Judge